

ASSISTANT COMMISSIONER FOR PATENTS
Washington, DC 20231

In re application of: Kevin Lauren Cote, et al.
 Serial No.: 09/726,240
 Filed: November 29, 2000
 For: DEVICE AND METHOD FOR WEB TENSION MEASUREMENT

S i t

Transmitted herewith is a **Petition requesting Withdrawal of Abandonment (2 pages)** in the above-identified application.

- ☐ Small entity status under 37 C.F.R. 1.9 and 1.27 has been previously established.
☐ Applicants assert small entity status under 37 C.F.R. 1.9 and 1.27.
☒ No fee for additional claims is required.
☐ A filing fee for additional claims calculated as shown below, is required:

FOR:	(Col. 1)	(Col. 2)		SMALL ENTITY		OR	LARGE ENTITY	
	REMAINING	HIGHEST		RATE	FEE		RATE	FEE
	AFTER	PREVIOUSLY	PRESENT					
	AMENDMENT	PAID FOR	EXTRA					
TOTAL CLAIMS	* Minus**	=	0	x \$	9	\$	x \$	18
INDEP. CLAIMS	* Minus***	=	0	x \$	42	\$	x \$	84
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+	\$140	\$	+	\$280

TOTAL: \$ OR TOTAL: \$

- * If the entry in Co. 1 is less than the entry in Col. 2, write "0" in Col. 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

- ☒ Also transmitted herewith are:
☐ Petition for extension under 37 C.F.R. 1.136 (in duplicate)
☒ Other: **Copies of Return Receipt Postcard, PTO-1083, Response to Second Non-Final OA with two Sheets of Drawings**

- ☐ Check(s) in the amount of \$**.00** is/are attached to cover:
☐ Filing fee for additional claims under 37 C.F.R. 1.16
☐ Petition fee for extension under 37 C.F.R. 1.136
☐ Other:

- ☒ The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.

- ☒ Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.
☒ Any patent application processing fees under 37 C.F.R. 1.17.
☒ Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.


 William C. Gehris, Reg. No. 38,156
 DAVIDSON, DAVIDSON & KAPPEL, LLC
 485 Seventh Avenue, 14th Floor
 New York, New York 10018
 Tel: (212) 736-1940
 Fax: (212) 736-2427

I hereby certify that this correspondence and/or documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mail" with sufficient postage in an envelope addressed to "Assistant Commissioner for Patents, Washington, D.C. 20231" on January 13, 2003
 DAVIDSON, DAVIDSON & KAPPEL, LLC

BY: 
 Jan Decker

RECEIVED

JAN 29 2003

OFFICE OF PETITIONS



600.1113

#8

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Re: Application of: **Kevin Lauren COTE**
Serial No.: 09/726,240
Filed: 11/29/2000
For: **DEVICE AND METHOD FOR WEB TENSION MEASUREMENTS**
Examiner: Charlene Dickens
Art Unit: 2855

PETITION UNDER 37 CFR 1.181(a) REQUESTING WITHDRAWAL OF THE HOLDING OF ABANDONMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

January 13, 2003

BOX OFFICE OF PETITIONS

Sir:

In response to the Notice of Abandonment dated December 30, 2002, a copy of which is enclosed, Applicants petition the Assistant Commissioner for Patents to withdraw the holding of abandonment under 37 CFR 1.181(a).

Applicants filed a Response to the Second Non-Final Office Action dated June 19, 2002 on September 3, 2002. Please find enclosed copies of the filed Response dated September 3, 2002 with two sheets of formal drawings (5 pages), with a PTO-1083 Transmittal Document (1 page), and the stamped Return Receipt Postcard (1 page).

Applicant believes that there was no failure to timely file a proper reply to the Office letter mailed on June 19, 2002. The Examiner noted that Applicant's representative allegedly confirmed abandonment on 12/27/2002. Applicant's representative was out of the country at that time and has no knowledge concerning a confirmation of abandonment. Therefore Applicants petition the Assistant Commissioner for Patents to withdraw the holding of abandonment.

RECEIVED

JAN 29 2003

OFFICE OF PETITIONS

No fee is believed due. However if any additional fees are deemed to be due at this time, the Assistant Commissioner is authorized to charge payment of the same to Deposit Account No. 50-0552.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By 

William C. Gehris

Reg. No. 38,156

Davidson, Davidson & Kappel, LLC
485 Seventh Avenue, 14th Floor
New York, New York 10018
(212) 736 - 1940



Our Ref. 600.1113

September 3, 2002

WCG:cc

RE: Patent Application of:
Kevin Lauren COTE, et al.
Serial No.: 09/726,240
Filed: November 29, 2000
For **DEVICE AND METHOD FOR WEB
TENSION MEASUREMENT**



Enclosed are:

- PTO Form 1083 (1 page);
- Response to Second Non-Final Office Action (3 pages);
- Two (2) Sheets of Drawings

MAILED WITH FIRST CLASS MAIL CERTIFICATION

BOX: NO FEE
RECEIVED BY:
CHECKED BY:

AP
9/18

RECEIVED

JAN 29 2003

OFFICE OF PETITIONS



600.1113

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Re: Application of: Kevin Lauren COTE, et al.
Serial No.: 09/726,240
Filed: November 29, 2000
For: DEVICE AND METHOD FOR WEB
TENSION MEASUREMENT
Examiner: Charlene Dickens
Art Unit: 2855

RESPONSE TO SECOND NON-FINAL OFFICE ACTION

BOX: NO FEE

Assistant Commissioner for Patents
Washington, D.C. 20231

September 3, 2002

Sir:

In response to the office action dated December 19, 2002 received in the above-identified application, applicant hereby respectfully requests reconsideration of the application based on the following remarks.

IN THE DRAWINGS

Please replace the drawings with the attached formal drawings.

REMARKS

Claims 1 to 13 were rejected under 35 U.S.C. § 102(b) as anticipated by Mima.

Withdrawal of the rejection is respectfully requested in view of the following comments, and allowance of all the claims respectfully requested.

RECEIVED
JAN 29 2003
OFFICE OF PETITIONS

Rejection to Claims under 35 U.S.C. §102(b)

Claims 1 to 13 were rejected under 35 U.S.C. § 102(b) as being anticipated by Mima.

Mima discloses an automatic inspecting apparatus for a yarn joining device. A cam plate 19 (see col. 4, line 37 and Figs. 2 and 3 of Mima), rotates about a cam shaft A for actuating a joining command arm 15. The arm 15 can push a button 37. (See Mima at Fig. 4, and col. 5, line 10 to col 6, line 48). A clutch mechanism 21 with a ratchet 20 and solenoid 26 can stop movement of the shaft A. (See col 4, line 41 et seq. of Mima.)

Claim 1 recites a web tension measurement device comprising “a roller for a contacting a web of material, the roller having an axis of rotation, the axis being moveable in a first direction by the web”, “a counteracting device connected to the roller, the counteracting device for forcing the roller in a second direction opposite the first direction” and “a controller connected to the counteracting device for measuring the web tension.”

The cam plate 19 cited by the Examiner is not a roller and does not contact the yarn of Mima. The cam plate and shaft A are actuating devices for the command arm 15, which also does not contact the yarn of Mima, but merely pushes a button for the take-up unit U. See Fig. 4 of Mima. Thus Mima does not disclose “a roller for contacting a web of material, the roller having an axis of rotation, the axis being movable in a first direction by the web,” as recited in present claim 1. The cam plate 19 and shaft A of Mima are not moved by, or in contact with, the yarn at all.

In addition, as clear from the present specification, for an axis to be moveable, it must be able to translate, as shown by arrow 6 of the present application in Fig. 1. When a roller can only solely rotate, the axis is fixed, and thus is not movable. Only upon translation of the axis can the axis move. There is no disclosure in Mima that shaft A translates. In fact, it appears from Fig. 4 of Mima, that translation of shaft A would not be possible as lever 15 then would not contact button 37, which is stationary. Thus the shaft A of Mima is not “moveable in a first direction” as recited in claim 1.

In addition, the cited solenoid 26 of Mima does not force cam plate 19 of Mima in a direction, it merely operates a clutch mechanism to stop rotation. Thus, solenoid 16 is not “a counteracting device connected to the roller, the counteracting device for forcing the roller in a

second direction opposite the first direction” as recited in claim 1.

Furthermore, the controller recited by the Examiner uses clamp mechanisms 140, 141 to measure yarn tenacity, not “connected to [a] counteracting device for measuring the web tension,” as recited in claim 1.

Furthermore, the field of invention of the present invention is printing presses, as discusses in Page 1, line 6 of the present invention, and Mima in the yarn joining field is non-analogous art.

With respect to claim 10, claim 10 recites “running a web over a roller, the roller having an axis movable in a first direction; counteracting the movement of the axis in a second direction opposite the first direction; and measuring a counteracting force or a variable so as to be able to determine a web tension.”

Mima does not run a web over cam plate 19 or shaft A, does not move shaft A in a first direction (but merely rotates it), does not counteract any movement of shaft A, as shaft A is stationary, and does not measure any counteracting force of the counteracting step.

Withdrawal of the rejection to claims 1 and 10, and their dependent claims under 35 U.S.C. §102(b) is respectfully requested.

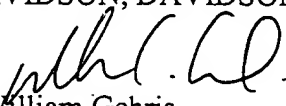
CONCLUSION

It is respectfully requested that the present application is now in condition for allowance, and applicants respectfully request such action.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By:


William Gehris
Reg. No. 38,156

Davidson, Davidson & Kappel, LLC
485 Seventh Avenue, 14th Floor
New York, New York 10018
(212) 736-1940

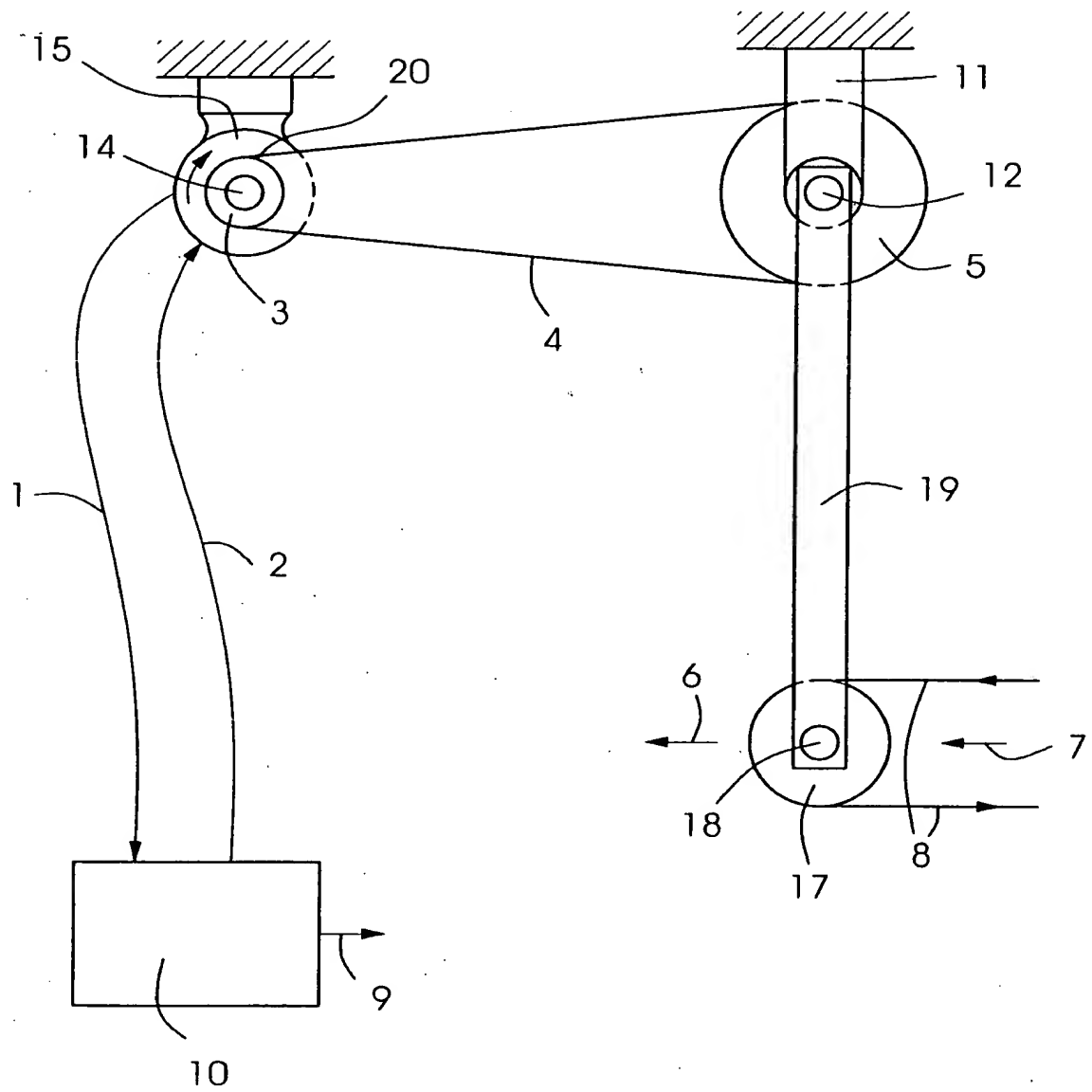


Fig. 1

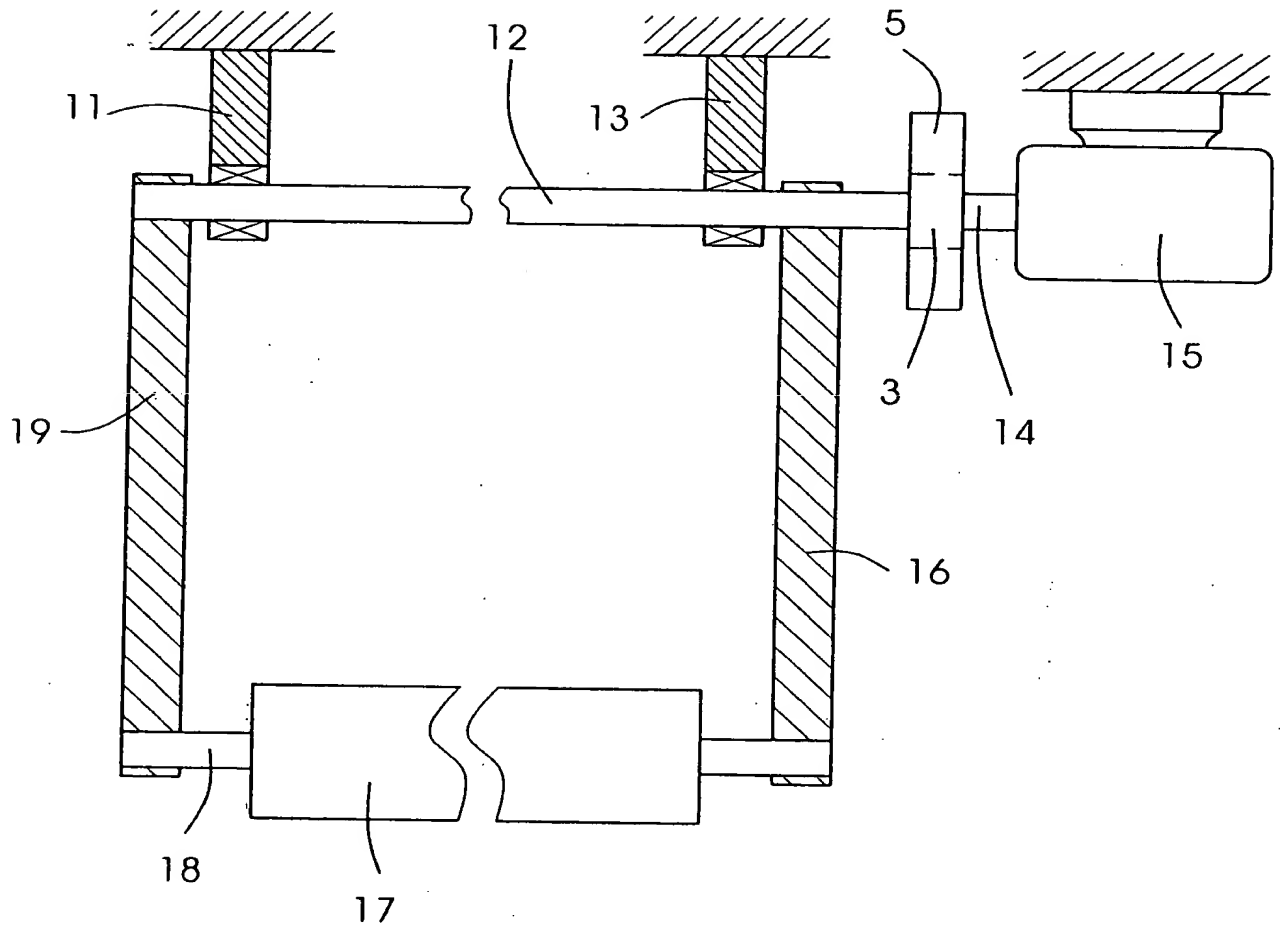


Fig.2